

**Notice of Allowability**

Application No.

10/009,738

Examiner

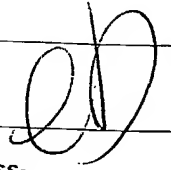
Rip A. Lee

Applicant(s)

SUZUKI ET AL.

Art Unit

1713



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 15, 2004.
2. ☒ The allowed claim(s) is/are 1, 2 and 5.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Allowable Subject Matter*

The following is an examiner's statement of reasons for allowance: Claims 1, 2 and 5 are allowed over the closest reference, JP 11-199592.

The present invention is drawn to a process for (co)polymerizing olefin(s) at 50-170 °C in the presence of a catalyst consisting essentially of a transition metal compound represented by formula (I) (see claim for details), an organoaluminum which reacts with said transition metal compound to convert the imine moiety into a metal amide moiety, and a compound which reacts with the transition metal compound to form an ion pair, such that the catalyst activity is at least 1000 kg/mole-hr.

JP 11-199592 describes a process for polymerization of olefins using a catalyst that contains a transition metal compounds. The reference describes an extensive listing of metal complex which may be used as the catalyst component, but it also describes many compounds having the requisite imine containing ligand shown in formula (I) of the present claims. The catalyst composition also contains any combination of an organometallic compound, an organoaluminum oxy compound, and at least one species of compounds that forms an ion pair with the transition metal compound. Trialkylaluminum compounds qualify as the organometallic compound, and triisobutylaluminum is listed as a species. The patent shows an example in which the combination of *i*Bu<sub>3</sub>Al and [Ph<sub>3</sub>C][B(C<sub>6</sub>F<sub>5</sub>)<sub>4</sub>] are used as the co-catalyst component, albeit with a distinctively different class of transition metal complex. The reference also contemplates carrying out polymerization within the temperature range of 0-170 °C.

Art Unit: 1713

While all aspects of the present invention may be found in the patent, it is deemed that one of ordinary skill in the art would not have found it obvious, from the general teachings of the reference, to cull the particular combination of the appropriate transition metal compound, the claimed combination of cocatalyst and the cited reaction temperature in order to arrive at the process delineated in the present invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached at (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

ral

November 16, 2004



DAVID W. WU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700